

Message Text

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ACTION ARA-20

INFO OCT-01 EUR-25 IO-14 ISO-00 MMS-04 SR-02 ORM-03 AID-20

CIAE-00 DODE-00 PM-07 H-03 INR-11 L-03 NSAE-00 NSC-07

PA-04 RSC-01 PRS-01 SP-03 SS-20 USIA-15 OMB-01 NIC-01

DPW-01 DRC-01 /168 W

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 299

INFO US MISSION USUN NEW YORK 898

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AMEMBASSY MOSCOW

LIMITED OFFICIAL USE SANTIAGO 5630

EO 11652: NA

TAGS: CI, PINT, PINS, SHUM

SUBJ: HUMAN RIGHTS: FOLLOW-UP ON PRESIDENT PINOCHET'S SEPT 11

ADDRESS

REF: SANTIAGO 5624, 5600

SUMMARY: COMMENTS BY GOC SPOKESMEN AND OTHERS INDICATE THAT PRESIDENT PINOCHET'S ANNOUNCEMENT OF END OF "STATE OF WAR-STATUS WILL NOT ENTAIL MODIFICATION OF LEGAL PROCEDURES INFRINGING UPON HUMAN RIGHTS, BUT THAT SELECTIVE RELEASE OF DETAINEES WILL TAKE PLACE REGARDLESS OF REACTION OF USSR AND CUBA TO PINOCHET'S ONE-FOR-ONE PROPOSAL. END SUMMARY.

2. IN STATEMENT TO PRESS SEPTEMBER 13 JUNTA SECRETARY GENERAL COLONEL PEDRO EWING CLARIFIED GOC'S INTENT IN SUPPLANTING LEGAL "STATE OF WAR" BY A NEW FORM OF "STATE OF SIEGE" ANNOUNCED PURSUANT TO NEW DECREE LAW. EWING ASSERTED THAT, WITH SOLE EXCEPTION OF FACT THAT PENALTIES WOULD BE LESS SEVERE UNDER STATE OF SIEGE, THERE WAS NO ESSENTIAL DIFFERENCE BETWEEN LIMITED OFFICIAL USE

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THE TWO REGIMES.

COMMENT: IT THUS APPEARS THAT NEW DECREE LAW REPRESENTS MARKED CHANGE FROM CONDITIONS OF "STATE OF SIEGE" AS CONTAINED IN CHILEAN CONSTITUTION, UNDER WHICH DECISIONS OF MILITARY TRIBUNALS COULD HAVE BEEN APPEALED TO HIGHER CIVILIAN COURTS. ANOTHER INFERENCE TO BE DRAWN FROM EWING'S REMARK IS THAT THERE WILL BE NO IMMEDIATE CHANGE WITH RESPECT TO LEGAL RIGHTS ENJOYED BY DETAINEES.

2. AT SAME TIME, EVIDENCE IS ACCUMULATING THAT PLANS ARE GOING AHEAD FOR THE SELECTIVE RELEASE OF DETAINEES, REGARDLESS OF REACTION IN USSR AND CUBA TO PINOCHET'S PROPOSAL FOR RELEASE ON ONE-FOR-ONE BASIS. UNDER SECRETARY FOR FOREIGN AFFAIRS COLLADOS SEPTEMBER 13 REFERRED TO LIAISON ROLE OF INTERNATIONAL RED CROSS IN CONNECTION WITH RELEASE; ENVISAGED PARTICIPATION OF INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION (ICEM); AND STATED CHILEAN NATIONAL COMMITTEE FOR REFUGEES WOULD PARTICIPATE IN EXERCISE. ACTING CHIEF OF SANTIAGO RED CROSS OFFICE BRUNO DOPPLER SAW FONMIN CARVAJAL SEPT 13 TO DISCUSS PROCEDURES.

3. MEANWHILE, SAMUEL NALEGACH, EXECUTIVE SECRETARY OF CHILEAN NATIONAL COMMITTEE FOR REFUGEES, ANNOUNCED TO PRESS SEPT 13 THAT ABOUT 500 PERSONS DETAINED IN VARIOUS PARTS OF COUNTRY WOULD BE FREED WITHIN THE NEXT 60 DAYS. ACCORDING TO A REUTERS DISPATCH AS QUOTED HERE, NALEGACH SAID RELEASES WOULD BEGIN SEPTEMBER 20 AT THE RATE OF 70 PER WEEK. NALEGACH ALSO QUOTED AS STATING THAT SAFE-CONDUCTS WERE AVAILABLE FOR 50 INDIVIDUALS TO LEAVE THE COUNTRY WITH THE AID OF ICEM, WITHOUT STATING WHAT COUNTRIES WOULD RECEIVE THEM.

4. DETAINEE ACTIVITY CONTINUES IN OTHER AREAS AS WELL. PRESS REPORTS ITALIAN LAWYER GUIDO CALVI, MEMBER OF THE INTERNATIONAL COMMISSION OF JURISTS, HAS ARRIVED IN SANTIAGO TO COOPERATE IN EFFORTS TO OBTAIN RELEASE OF COMMUNIST LEADER LUIS CORVALAN. CALVI SAID HE WOULD SEEK INTERVIEWS WITH PRES. PINOCHET AND CORVALAN. PRESS ALSO REPORTS AIR FORCE GEN. BERDICHEWSKY (WHO HAS ALREADY COMMUTED FOUR DEATH SENTENCES) WILL COMPLETE HIS REVIEW OF 61 OTHER SENTENCES HANDED DOWN IN AIR FORCE TRIALS, IN ONE TO TWO WEEKS. FURTHER, CIVILIAN COURT OF APPEALS HAS ANNOUNCED THAT WITHIN A WEEK IT WILL REACH DECISION LIMITED OFFICIAL USE

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ON CHARGES OF MISUSE OF GOVERNMENT FUNDS MADE AGAINST FORMER UP FOREIGN MINISTER CLODOMIRO ALMEYDA. THUS, PROSPECT SEEM GOOD FOR CONSIDERABLE ACTIVITY RE DETAINEES IN NEXT FEW WEEKS. POPPER

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